

County MH/DS Levy Law - Per Capita Levy/Equalization Provisions from 2012 Iowa Acts, Chapter 1120 (SF 2315)

Key Points:

1. MH/DS Levy for FY 2013-2014 and FY 2014-2015 is the lower of the following: Base year expenditures for MH/DS, as adjusted in FY 2008-2009 OR Statewide expenditure target (\$47.28 + any per capita growth amt. authorized by law) X the county's general population.
2. Transfers between the county MH/DS Fund and any other county fund are prohibited.
3. The FY 2013-2014 levies are certified in March 2013.
4. A county with a county population expenditure target amount that exceeds the amount of the county's base year expenditures for mental health and disabilities services is to receive an equalization payment for the difference. The statute provides that the payments will be distributed as specified in the appropriation made for the purposes of the payments.
5. The per capita levy/equalization payment approach applies only for FY 2013-2014 and FY 2014-2015, then the previous cap applies again.

Sec. 132. Section 331.424A, Code Supplement 2011, is amended to read as follows:

331.424A County mental health, ~~mental retardation~~, and developmental disabilities services fund.

1. For the purposes of this chapter and chapter 426B, unless the context otherwise requires, ~~"services fund" means the county mental health, mental retardation, and developmental disabilities services fund created in subsection 2. The county finance committee created in section 333A.2 shall consult with the state commission in adopting rules and prescribing forms for administering the services fund;~~

a. "Base year expenditures for mental health and disabilities services" means the same as defined in section 331.438, Code Supplement 2011, minus the amount the county received from the property tax relief fund pursuant to section 426B.1, Code 2011, for the fiscal year beginning July 1, 2008.

b. "County population expenditure target amount" means the product of the statewide per capita expenditure target amount multiplied by a county's general population.

c. "County services fund" means a county mental health and disabilities services fund created pursuant to this section.

d. "Per capita growth amount" means the amount by which the statewide per capita expenditure target amount may grow from one year to the next.

e. "Statewide per capita expenditure target amount" means the dollar amount of a statewide expenditure target per person as established by statute.

2. The county finance committee created in section 333A.2 shall consult with the department of human services and the department of management in adopting rules and prescribing forms for administering the county services funds.

~~2. 3. For the fiscal year beginning July 1, 1996, and succeeding fiscal years, county revenues from taxes and other sources designated by a county for mental health, mental retardation, and developmental disabilities services shall be credited to the county mental health, mental retardation, and developmental disabilities services fund of which shall be created by the county. The board shall make appropriations from the fund for payment of services provided under the county regional service system management plan approved pursuant to section 331.439 331.439A. The county may pay for the services in cooperation with other counties by pooling appropriations from the county services fund with appropriations from the county services fund of other counties or through county regional entities including but not limited to the county's mental health and developmental disabilities regional planning council created pursuant to section 225C.18 through the county's regional administrator, or through another arrangement specified in the regional governance agreement entered into by the county under section 331.438E.~~

~~3. 4. For the fiscal year beginning July 1, 1996, and succeeding fiscal years, receipts Receipts from the state or federal government for such the mental health and disability services administered or paid for by a county shall be credited to the county services fund, including moneys allotted distributed to the county from the state payment made pursuant to section 331.439 and moneys allotted to the county for property tax relief pursuant to section 426B.1 department of human services and moneys allocated under chapter 426B.~~

~~4. 5. For the fiscal year beginning July 1, 1996, and for each subsequent fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the services fund shall not exceed an amount equal to the amount of base year expenditures for mental health and disability services as defined in section 331.438, less the amount of property tax relief to be received pursuant to section 426B.2, in the fiscal year for which the budget is certified. The county auditor and the board of supervisors shall reduce the amount of the levy certified for the services fund by the amount of property tax relief to be received. A levy certified under this section is not subject to the appeal provisions of section 331.426 or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.~~

~~5. 6. Appropriations specifically authorized to be made from the mental health, mental retardation, and developmental disabilities services fund shall not be made from any other fund of the county.~~

~~6. 7. This section is repealed July 1, 2013. Notwithstanding subsection 5, for the fiscal years beginning July 1, 2013, and July 1, 2014, county revenues from taxes levied by the county and credited to the county services fund shall not exceed the lower of the following amounts:~~

a. The amount of the county's base year expenditures for mental health and disabilities services.

b. The amount equal to the product of the statewide per capita expenditure target for the fiscal year beginning July 1, 2013, multiplied by the county's general population for the same fiscal year.

Sec. 133. Section 331.432, subsection 3, Code Supplement 2011, is amended to read as follows:

3. Except as authorized in section 331.477, transfers of moneys between the county mental health, ~~mental retardation,~~ and ~~developmental~~ disabilities services fund created pursuant to section 331.424A and any other fund are prohibited.

Sec. 134. Section 426B.1, subsection 2, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

2. Moneys shall be distributed from the property tax relief fund to counties for the mental health and disability regional service system for providing county base property tax equivalent equalization payments and the per capita growth amount established pursuant to section 426B.3, in accordance with the appropriations made to the fund and other statutory requirements.

Sec. 135. Section 426B.2, subsections 1 and 2, Code 2011, are amended by striking the subsections.

Sec. 136. Section 426B.2, subsection 3, Code 2011, is amended to read as follows:

3. ~~The~~ The director of human services shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with ~~subsection 1~~ section 426B.3, and mail the warrants to the county auditors in July and January of each year.

~~b. Any replacement generation tax in the property tax relief fund as of May 1 shall be paid to the county treasurers in July and January of the fiscal year beginning the following July 1. The department of management shall determine the amount each county will be paid pursuant to this lettered paragraph for the following fiscal year. The department shall reduce by the determined amount the amount of each county's certified budget to be raised by property tax for that fiscal year which is to be expended for mental health, mental retardation, and developmental disabilities services and shall revise the rate of taxation as necessary to raise the reduced amount. The department of management shall report the reduction in the certified budget and the revised rate of taxation to the county auditors by June 15.~~

Sec. 137. Section 426B.3, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

426B.3 Per capita funding for fiscal years 2013-2014 and 2014-2015.

1. For the fiscal years beginning July 1, 2013, and July 1, 2014, the state and county funding for the mental health and disability services administered or paid for by counties shall be provided based on a statewide per capita expenditure target amount computed in accordance with this section.

2. The statewide per capita expenditure target amount shall consist of the sum of the following:

a. A county base property tax equivalent to forty-seven dollars and twenty-eight cents per capita. Each per capita growth amount established by statute as provided in paragraph "b", shall be added to this amount.

b. A per capita growth amount, which may be stated as a percentage of the prior fiscal year's county base property tax per capita amount, as established by statute.

3. The per capita growth amount established by statute shall provide funding for increases in non-Medicaid expenditures from county services funds due to service costs, additional service populations, additional core service domains, and numbers of persons receiving services.

4. a. For the fiscal years beginning July 1, 2013, and July 1, 2014, a county with a county population expenditure target amount that exceeds the amount of the county's base year expenditures for mental health and disabilities services shall receive an equalization payment for the difference.

b. The equalization payments determined in accordance with this subsection shall be made by the department of human services for each fiscal year as provided in appropriations made from the property tax relief fund for this purpose.

Sec. 138. REPEAL. Section 426B.6, Code Supplement 2011, is repealed.

Sec. 139. EFFECTIVE DATE. The following provisions of this division of this Act take effect July 1, 2013:

1. The section of this Act amending section 331.424A.
2. The section of this Act amending section 331.432.
3. The section of this Act amending section 426B.1.
4. The sections of this Act amending section 426B.2.
5. The section of this Act amending section 426B.3.

Sec. 140. APPLICABILITY. The following provisions of this division of this Act are applicable commencing with the budget and tax levy certification process for the fiscal year beginning July 1, 2013:

1. The section of this Act amending section 331.424A.
2. The section of this Act amending section 426B.1.
3. The sections of this Act amending section 426B.2.
4. The section of this Act amending section 426B.3.